

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JEFFREY MORGAN,

Plaintiff,

v.

Civ. No. 21-1139 JHR/GBW

XAVIER BECERRA, *Secretary of the  
Department of Health and Human  
Services,*

Defendant.

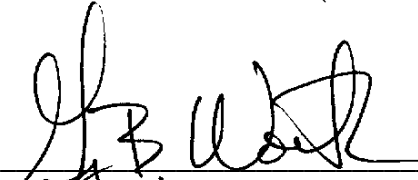
**ORDER DENYING PLAINTIFF'S MOTION TO SEAL**

THIS MATTER is before the Court on Plaintiff's Motion to Seal and Injunction to Seal Judge's Orders, Rulings, Opinions, Memorandums from Internet and Media Publications Prior to the District Court Trial Conclusion. *Doc. 71*. Having reviewed the Motion, the Court finds that the Motion should be DENIED.

As indicated by its title, Plaintiff seeks to have all filings by the Court sealed. He fails to meet the high bar to seal such filings. Our country recognizes a strong presumption of public access to judicial records. This presumption of access can be rebutted only if countervailing interests heavily outweigh the public's interest in access. *See Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2021). The party seeking to seal filings bears the burden of justifying that secrecy. *See United States v. Bacon*, 950 F.3d 1286, 1293 (10th Cir. 2020). Plaintiff's primary argument is that the judicial orders could influence potential jurors. *Doc. 71* at 3. First, there is no evidence that this case is

particularly well-publicized. Second, any pre-trial awareness by jurors can be addressed in voir dire if the case proceeds to trial. Plaintiff also expresses concern “even more so, for people in the public whose lives would intersect with this judicial circuit in view of the judicial prejudice being brought to bear despite the evidence under its watch.” *Id.* In short, Plaintiff claims to seek the seal so that the public is unaware of the court’s unfairness. While the Court always endeavors to be fair, public access may be the most important mechanism to ensure the fairness of courts. As such, Plaintiff’s argument cuts against sealing. Viewed in their totality, if Plaintiff’s arguments for sealing were sufficient, virtually every case would be subject to sealing. This Court rejects that approach.

IT IS THEREFORE ORDERED that Plaintiff’s Motion to Seal and Injunction to Seal Judge’s Orders, Rulings, Opinions, Memorandums from Internet and Media Publications Prior to the District Court Trial Conclusion (*doc. 71*) is DENIED.

  
\_\_\_\_\_  
GREGORY B. WORMUTH  
CHIEF UNITED STATES MAGISTRATE JUDGE